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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 IN RE CALIFORNIA BAIL BOND
19 ANTITRUST LITIGATION

20 This Document Relates To:

21 ALL ACTIONS

Case No. 4:19-cv-00717-JST

CLASS ACTION

**JOINT STATEMENT OF PLAINTIFFS
AND DEFENDANT FINANCIAL
CASUALTY & SURETY, INC.
REGARDING CERTAIN DEFENDANTS'
MOTION TO DISMISS THE THIRD
CONSOLIDATED AMENDED
COMPLAINT**

1 Plaintiffs and Defendant Financial Casualty & Surety, Inc. (“FCS”) hereby submit this
 2 joint statement regarding Plaintiffs’ Opposition to Certain Defendants’ Motion to Dismiss the
 3 Third Consolidated Amended Complaint (Dkt. No. 305, “Opposition”) and the Third
 4 Consolidated Amended Complaint (Dkt. No. 281-1, “TCAC”). This joint statement concerns
 5 only Defendant FCS.

6 Plaintiffs’ TCAC and Opposition state that FCS was a member of the HCC Surety Group,
 7 and thereby affiliated with Defendant American Contractors Indemnity Company (“ACIC”).
 8 *See, e.g.*, TCAC ¶ 23, Opposition at 8-9. Plaintiffs’ Opposition also attributes certain comments
 9 and actions of Scott Anschultz to FCS. *See, e.g.*, Opposition at 8-10, 12, 16, 28-29. On July 20,
 10 2022, counsel for FCS wrote Plaintiffs’ counsel, contending that this statement is incorrect, and
 11 asked Plaintiffs’ counsel to submit a supplemental motion to correct the record. Specifically,
 12 FCS contends that it had no affiliation with ACIC, HCC Surety Group, HCC Insurance Holdings,
 13 or Scott Anschultz.

14 In light of the information FCS provided and additional investigation by Plaintiffs,
 15 Plaintiffs no longer contend that FCS shared a common corporate structure with ACIC, the HCC
 16 Surety Group, or HCC Insurance Holdings. Plaintiffs also no longer contend that Mr. Anschultz
 17 represented FCS during meetings and communications with other Defendants.

18 However, Plaintiffs still stand by their other allegations against FCS and Plaintiffs
 19 maintain that these allegations, viewed in the context of the TCAC as a whole, plausibly describe
 20 FCS’s role in the alleged conspiracy. FCS disputes Plaintiffs’ allegations and maintains that
 21 Plaintiffs have not adequately pled plus factors to support a conspiracy as reflected in the Motion
 22 to Dismiss the Third Consolidated Amended Complaint and associated briefing.

23
 24 DATED: August 9, 2022

Lieff Cabraser Heimann & Bernstein, LLP

25
 26 By: /s/ Dean M. Harvey
 Dean M. Harvey

27 *Interim Class Counsel*
 28

1 DATED: August 9, 2022

Law Offices of Brendan Pegg Corp.

3 By: /s/ Lindsay Cooper-Greene
4 Lindsay Cooper-Greene

5 *Counsel for Defendant Financial*
6 *Casualty & Surety, Inc.*
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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record who receives CM/ECF notification.

DATED: August 9, 2022

/s/ Dean M. Harvey
Dean M. Harvey

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP